

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054**

In the Matter of]	
]	
Promoting Technological Solutions to]	GN Docket No. 13-111
Combat Contraband Wireless Device]	
Use in Correctional Facilities]	

PETITION FOR RECONSIDERATION

BY

THE WRIGHT PETITIONERS

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June 19, 2017

INTRODUCTION

The Commission's *Report and Order* in the instant proceeding failed to (i) consider the entire record of the proceeding, (ii) acknowledge opposing legal or policy arguments, and (iii) provide any reasoned analysis as to why the information provided by the Wright Petitioners throughout this proceeding should be ignored or discounted.

Surprisingly, the *Report and Order* included a cost-benefit analysis that stated the record in the proceeding did not contain any "detailed or concrete cost estimates." However, the Wright Petitioners had, in fact, supplied "detailed" and "concrete cost data," and even took the additional step of reminding the Commission that this information existed, and was available for its review, when it met with Commission staff after the draft *Report and Order* was released.

Both Chairman Pai and Commissioner O'Reilly have expressed strong support for the Commission's reliance on fact-based, detailed cost-benefit analyses prior to the adoption of new rules, and the Commission is in the process of establishing the Office of Economics and Data to assist in this process. Under no reasonable reading of the *Report and Order's* cost-benefit analysis did the Commission meet this standard.

Because the Commission failed to provide any evidence that it conducted a reasoned analysis of the record in this proceeding, the adoption of the *Report and Order* was arbitrary and capricious, and must be reversed.

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PETITION FOR RECONSIDERATION

The Wright Petitioners, by and through their counsel and pursuant to Section 1.429 of the Commission's rules, hereby submit this Petition For Reconsideration of the Report and Order, released on March 24, 2017, in the above-referenced proceeding.¹

As discussed in more detail below, the Commission adopted the *Report and Order* without conducting any meaningful cost-benefit analysis. In fact, the *Report and Order* noted that the proponents of the new rules failed to "provide any detailed or concrete cost estimates," forcing the Commission to rely on its "general understanding and prediction of likely costs."² The Commission's decision to ignore the obligation to conduct a cost-benefit analysis was particularly surprising in light of past statements of Chairman Pai and Commissioner O'Reilly expressing concern that previous Commission actions similarly lacked efforts to conduct meaningful cost-benefit analyses.

¹ *Promoting Technological Solutions to Combat Contraband Wireless Device Use in Correctional Facilities*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 2336 (2017) (the "*Report and Order*"). See 82 FED REG 22,742 (rel. May 18, 2017) (establishing June 19, 2017 as effective date of *Report and Order*, and the deadline for submitting petitions for reconsideration).

² See *Report and Order*, 32 FCC Rcd at 2365.

More important, though, is that the *Report and Order* completely ignored the "detailed" and "concrete cost estimates" provided by the Wright Petitioners throughout the proceeding. In fact, undersigned counsel met with advisors of Chairman Pai and Commission O'Reilly to discuss the "detailed" and "concrete cost estimates" provided by the Wright Petitioners after the draft *Report and Order* was released on March 2, 2017.³ The *March 2017 Notice* highlighted information in the record of General Docket 13-11 which demonstrated that high-cost Managed Access Systems were not particularly effective, and that simple, less-costly steps should first be taken to stem the flow of contraband cellphones into correctional facilities.

Specifically, the Wright Petitioners referenced their past submissions in the record of General Docket 13-111 which called into question the effectiveness of Managed Access Systems, and detailed the costs associated with the design, installation and management of these systems.⁴ The Wright Petitioners also referenced their past submissions in the record of General Docket 13-111 which provided detailed information regarding substantially less costly ways to stem the flow of contraband into correctional facilities, including the application of simple security procedures to prevent employees of correctional facilities from smuggling cellphones into the facility.⁵

³ See *Ex Parte Notice of Lee G. Petro, Counsel to the Wright Petitioners*, GN Dkt. 13-111, March 10, 2017 (<https://www.fcc.gov/ecfs/filing/10311147558865>) ("*March 2017 Notice*") (citing https://apps.fcc.gov/edocs_public/attachmatch/DOC-343732A1.pdf).

⁴ See *Comments of Wright Petitioners on #Solutions2020 Action Plan*, Jan. 13, 2017, pg. 11-15 (<https://www.fcc.gov/ecfs/filing/10113804521853>) ("*Solution2020 Comments*").

⁵ See *Ex Parte Submission of Lee G. Petro, Counsel to the Wright Petitioners*, GN Dkt. 13-111, July 11, 2016 (<https://www.fcc.gov/ecfs/filing/10712066601324>) ("*July 2016 Notice*").

Finally, the Wright Petitioners referenced their past submissions in the record of General Docket 13-111 which demonstrated that the providers of the high-cost Managed Access Systems were passing on the cost of these expensive (but ineffective) systems to inmates and their families through higher inmate calling service ("ICS") rates and other fees.⁶

In light of the scant cost-benefit analysis contained in the draft *Report and Order*, which ignored the evidence presented by the Wright Petitioners while noting the lack of detailed and concrete evidence from Managed Access System providers and correctional facilities, the Wright Petitioners suggested a simple solution. Specifically, the Wright Petitioners suggested that the Commission simply require applicants seeking Commission authority to install and operate Managed Access Systems and Contraband Interdiction Systems ("CIS") to certify that the cost of such systems would not be passed on to inmates and their families.⁷

Not only did the *Report and Order* not adopt the suggestion, the adopted version of the *Report and Order* perpetuated the draft's erroneous conclusion that the record in the proceeding was lacking "detailed or concrete cost estimates," and ignored all of the cost-benefit information submitted into the record by the Wright Petitioners. While the *Report and Order* acknowledged the Wright Petitioners'

⁶ See *Solutions2020 Comments*, pg. 11 (citing Richard A. Smith, President of Securus Technologies, *Securus Announces Third DOC Facility to Approve/Accept its Managed Access Systems (MAS) Technology*, Press Statement, June 20, 2016 ("MAS systems do not usually stand on their own economically – but when we combine them with inmate audio communications, video inmate funding, jail management systems, electronic medical records, grievance reporting, data analytics, parolee GPS tracking, location based services, inmate tablets, electronic books, and inmate education/job searches – that is a bundle of products that helps everyone.")).

⁷ *March 2017 Notice*, pg. 2.

expression of "concern" in a new footnote, it continued to rely "on our general understanding and prediction of likely costs in making this cost-benefit assessment."⁸

Commissioner O'Reilly has, on many occasions, commented on the deficiency of the Commission's cost-benefit analyses conducted during rulemaking proceedings. For example, he lamented that the cost-benefit analysis included as part of the Submarine Cable Outage Reporting rule revisions "ignores the input of commenters."⁹ Moreover, when he considered rule revisions in the Hearing Aid-Compatible Mobile Handset proceeding, Commissioner O'Reilly stated his belief that it was "the Commission's responsibility to thoroughly analyze the costs and benefits of its regulations."¹⁰ In a speech on September 30, 2016, at TPRC44: Research Conference on Communications, Information and Internet Policy, Commissioner O'Reilly stated:

FCC Notices and Orders rarely contain a detailed discussion or rebuttal of opposing legal or policy arguments, data that does not support the desired outcome, or realistic assessments of the benefits. At most, alternative arguments and data are relegated to footnotes where they are summarily dismissed, often en masse and without any corresponding data or fact-based response.¹¹

⁸ 32 FCC Rcd at 2365.

⁹ Statement Of Commissioner O'Reilly, *Improving Outage Reporting For Submarine Cables And Enhanced Submarine Cable Outage Data*, Report And Order, 31 FCC Rcd 7947, 8005 (2016).

¹⁰ Statement Of Commissioner O'Reilly, *Improvements To Benchmarks And Related Requirements Governing Hearing Aid Compatible Mobile Handsets*, Report And Order, 31 FCC Rcd 9336, 9378 (2016).

¹¹ Remarks of Commissioner O'Reilly, *TPRC44: Research Conference on Communications, Information and Internet Policy*, Sept. 30, 2016 (https://apps.fcc.gov/edocs_public/attachmatch/DOC-341544A1.pdf).

Commissioner O'Reilly's past concerns bear a remarkable similarity to what was lacking in the adopted *Report and Order* with respect to the "detailed" and "concrete" evidence presented by the Wright Petitioners.

Chairman Pai has expressed similar concerns about past cost-benefit analyses by the Commission, noting once that the Commission "performs cost-benefit analysis of proposed rules, occasionally, not systematically."¹² In connection with the Submarine Cable Outage Reporting rule, then-Commissioner Pai shared Commissioner O'Reilly's concern, and stated:

The FCC simply does not care about cost-benefit analysis, let alone getting it right...Whether you view it as a requirement of reasoned decision-making under the Administrative Procedure Act, as the courts do, or simply as a matter of good government, as we all should, a federal agency has an obligation to ensure in advance that its decisions will be beneficial on net to the American public. The benefits of a regulation may well outweigh its costs, but with the mailed-in analysis that this agency routinely conducts, we will never know.¹³

In fact, just two weeks after the adoption of the *Report and Order*, Chairman Pai announced the creation new Commission office, the Office of Economics and Data, with the stated goal of addressing the Chairman's concern that cost-benefit analyses in past Commissions were "largely ignored."¹⁴ Chairman Pai also expressed his agreement with his former instructor, Professor Cass Sunstein, that "it is the duty of regulators to 'obtain a careful and objective analysis of the

¹² See *Remarks of FCC Chairman Ajit Pai at The Hudson Institute*, pg. 4, April 5, 2017 (https://apps.fcc.gov/edocs_public/attachmatch/DOC-344248A1.pdf) ("*Hudson Remarks*").

¹³ Statement Of Commissioner Pai, *Improving Outage Reporting For Submarine Cables And Enhanced Submarine Cable Outage Data*, Report And Order, 31 FCC Rcd 7947, 8000-8003 (2016).

¹⁴ *Hudson Remarks*, pg. pg. 3.

anticipated and actual effects of regulations, whether positive or negative. We need to look at evidence and data. We need careful assessments before rules are issued, and we need continuing scrutiny afterwards."¹⁵

Because the Commission ignored evidence in the record, and because it failed to conduct a reasoned cost-benefit analysis, the adoption of the *Report and Order* was arbitrary and capricious.¹⁶ Therefore, the Commission should reverse the adoption of the *Report and Order* and conduct a new cost-benefit analysis which takes into account the information which it erroneously failed to consider.

DISCUSSION

A. Standard Of Review

Section 1.429 of the Commission's rules sets forth the requirements for interested parties to submit a petition for reconsideration of an order adopted in a rulemaking proceeding.¹⁷ In particular, the petition for reconsideration must "state with particularity the respects in which petitioner believes the action taken should be changed."¹⁸

Section 1.429(l) provide a list of justifications for the Commission to deny a petition for reconsideration, including:

- (1) Fail to identify any material error, omission, or reason warranting reconsideration;

¹⁵ *Id.*

¹⁶ *See Motor Vehicle Mfrs. Ass'n of the U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (reversing because the agency "entirely failed to consider an important aspect of the problem...").

¹⁷ 47 C.F.R. § 1.429(a) (2017).

¹⁸ 47 C.F.R. § 1.429(c) (2017).

(2) Rely on facts or arguments which have not previously been presented to the Commission and which do not meet the requirements of paragraphs (b)(1) through (3) of this section;

(3) Rely on arguments that have been fully considered and rejected by the Commission within the same proceeding;

(4) Fail to state with particularity the respects in which petitioner believes the action taken should be changed as required by paragraph (c) of this section.¹⁹

While the list is not comprehensive, the Commission will dismiss a petition for reconsideration when it suffers from one of these infirmities.²⁰

On the other hand, reconsideration will be granted by this Commission when the petitioner demonstrates that "the Commission failed to fully consider important arguments and lacked a reasoned basis for its conclusion."²¹ In addition, in granting a petition for reconsideration, the Commission will consider and adopt specific revisions to the underlying rules when it serves the Commission's stated interests.²² Finally, this Commission will grant reconsideration when it finds that the Commission previously "erred in rejecting the valid concerns" of the petitioner.²³

¹⁹ 47 C.F.R. § 1.429(l) (2017).

²⁰ See, e.g., *Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended*, Order on Reconsideration, DA 17-562 (rel. June 8, 2017) (applying Section 1.429(l) to petition for reconsideration filed by William J. Kirsch).

²¹ See, e.g., *Amendment of Section 73.3555(e) of the Commission's Rules, Order on Reconsideration*, 32 FCC Rcd 3390, 3397 (2017) (citing *Petition for Reconsideration by Acadiana Cellular General Partnership, Order on Reconsideration*, 20 FCC Rcd 8660, 8663 (2006); *Universal Serv. Contribution Methodology Fed.-State Joint Bd. on Universal Serv. Glob. Conference Partners, A+ Conference Ltd., Free Conferencing Corp., & the Conference Grp.*, 27 FCC Rcd 898, 901 (2012), *rev. dismissed in part and denied in part*, *Conference Grp., LLC v. FCC*, 720 F.3d 957, 958 (D.C. Cir. 2013).

²² See *Connect America Fund*, Order on Reconsideration, 32 FCC Rcd 3258 (2017).

²³ See *Promoting Diversification of Ownership in the Broadcasting Services*, 32 FCC Rcd 3440, 3445 (2017).

Thus, where a party submits sufficient evidence that an order (i) ignored important arguments; (ii) lacked reasoned decision making; and/or (iii) rejected valid concerns, this Commission will grant a petition for reconsideration and adopt remedial rules to address the stated infirmities in the original order.

B. The Commission Failed To Consider Substantiated Evidence In The Record When Conducting Cost-Benefit Analysis.

The draft *Report and Order* was released pursuant to a new Commission policy that was intended to provide "equal access to the administrative process."²⁴ Commissioner O'Reilly recently cited the new policy as an opportunity to "spot potential issues before the Commission votes on the items."²⁵

To that end, undersigned counsel for the Wright Petitioners reviewed the draft *Report and Order* with particular interest in the cost-benefit analysis discussion. Aware that Chairman Pai and Commissioner O'Reilly had long lamented inferior cost-benefit analyses in past rulemaking proceedings, counsel for the Wright Petitioners assumed that the detailed and concrete cost estimates contained in their substantive comments would be taken into consideration in the cost-benefit analysis.

Upon reviewing the draft *Report and Order*, it became clear that the Commission's cost-benefit analysis was woefully inadequate. Of great concern was the inaccurate statement that "for some of the rule changes...there will be little or

²⁴ Statement of Chairman Pai, *Announcing Pilot Program to Release Commission Documents to the Public*, rel. Feb. 2, 2017 (https://apps.fcc.gov/edocs_public/attachmatch/DOC-343303A1.pdf)

²⁵ Statement of FCC Commissioner O'Reilly, *Connect America Fund*, Order on Reconsideration, 32 FCC Rcd 3258, 3265 (2017).

no costs imposed on the public."²⁶ More concerning, however, was the statement that "[c]ommenters did not provide any detailed or concrete cost estimates."²⁷

That statement was at odds with what was actually in the record for General Docket 13-11, as the Wright Petitioners had submitted detailed information in three separate filings at that point which addressed both the cost of the systems, and the benefit to the public (if any), including:

- i. April 6, 2016 – Comments suggesting questions for participants in South Carolina Field Hearing – included (a) a discussion of the 2011 GAO Report on Contraband Cellphones, (b) the efficacy of Managed Access System, and (c) past findings made by the New York State Department of Corrections and Community Supervision;²⁸
- ii. July 11, 2016 – *July 2016 Notice* – included (a) a study by the Inspector General of the US Department of Justice addressing the role of correctional staff in smuggling contraband into prisons, including cellphones, (b) statements from MAS providers regarding cost and success rate; and (c) responses by Securus Technologies, Global Tel*Link, Telmate and CenturyLink in response to a Request for Information by the Virginia Department of Corrections, which included specific cost information from the providers;
- iii. January 11, 2017 - *Solutions2020 Comments* – included (a) empirical studies of Managed Access Systems in Baltimore City and Mississippi State; and (b) information from the Missouri Request for Proposal abandoning the use of Managed Access Systems.

Nowhere in the draft *Report and Order* was any of this information referenced, and it certainly was not considered in the Commission's cost-benefit analysis. While the Commission should not be in the business of picking winners and losers based on technology, it is required to serve the public interest, convenience and necessity.

²⁶ *Report and Order*, 32 FCC Rcd at 2365.

²⁷ *Id.*

²⁸ *Ex Parte Submission of Lee G. Petro, Counsel to the Wright Petitioners*, GN Dkt. 13-111 (<https://www.fcc.gov/ecfs/filing/60001535233>).

In light of the Commission's interest in both (i) providing "equal access" to the Commission's decision makers and (ii) catching errors in new rules that would be costly to remedy after they were adopted, counsel for the Wright Petitioners met with the staff for Chairman Pai and Commissioner O'Reilly, and subsequently submitted the *March 2017 Notice* which included a summary of the information already present in the record of General Docket 13-111 which was absent from the preliminary cost-benefit analysis, and also provided additional information regarding the RFP process for a new Managed Access System in Florida.

Of special concern was the recent amendment to the ICS contract between Securus Technologies and the Florida Department of Corrections, whereby Securus was permitted to eliminate the payment of site commissions on ICS calls in exchange for the installation of a Managed Access System for no additional charge to Florida.²⁹ This amendment, therefore, permitted the ICS provider to retain more than \$16 million it once paid in site commissions, in exchange for installing Managed Access Systems at three Florida Department of Correction institutions.

Despite these efforts to provide detailed, concrete, meaningful, substantiated, and verifiable cost estimates to be considered as part of the Commission's cost-benefit analysis, and to spot potential issues prior to its adoption, the *Report and Order* did not incorporate any of this information. Attached as Exhibit A is a redline comparison of the cost-benefit analysis, showing the changes that occurred between the draft *Report and Order* released on March 2, 2017, and the final version of the *Report and Order* adopted on March 23, 2017.

²⁹ See *March 2017 Notice*, pg. 1, Exhibit B.

What is clear from this comparison is that while the Commission was willing to make other substantive changes to the cost-benefit analysis, it made no changes regarding the incorrect assertion that the record of the proceeding lacked "any detailed or concrete cost estimates."

In fact, other than a footnote acknowledging that "[t]he Wright Petitioners make note of the limited comments on the costs and benefits of MAS implementation and express concern that the costs will be passed on to inmates and their families," there is no indication that the above-referenced information submitted by the Wright Petitioners, which did include "detailed" and "concrete cost estimates," was considered at any point during the rulemaking process.³⁰

The Commission's failure to (i) consider the entire record of the proceeding, (ii) acknowledge opposing legal or policy arguments, and (iii) provide any reasoned analysis as to why the information provided by the Wright Petitioners should be ignored or discounted, was arbitrary and capricious.

The Commission must therefore reverse the adoption of the *Report and Order*, and conduct a complete cost-benefit analysis which takes into consideration the "detailed" and "concrete cost expenses" provided by the Wright Petitioners. In addition, on reconsideration, the Commission must consider whether the Wright Petitioners' proposal for a simple certification reflects reasoned decision-making.

Commissioner O'Reilly's concern about arbitrary decision-making is particularly relevant in the instant proceeding, and justifies reconsideration of the *Report and Order*:

³⁰ *Report and Order*, 32 FCC Rcd at 2365.

Fundamentally, adopting rules without any estimate of the impact is the height of arbitrary decision-making. In order to produce sound and sustainable policies, the FCC must make decisions based on complete estimates of costs and benefits, not ones that are to be determined, and not in a process that looks at only one aspect of the costs. Conducting the analysis after the fact also risks needless delay because the FCC may have to change its rules should the burdens prove to be too great. Shouldn't Commissioners have the knowledge of these data points, even if limited, prior to deciding the outcome of an item.³¹

The Wright Petitioners respectfully submit that the Commission utterly failed to meet this goal when it adopted the *Report and Order*.

CONCLUSION

There is no question that contraband cellphones are a significant problem confronting correctional authorities across the nation. As highlighted during Chairman Pai's April 2016 Field Hearing in Charleston, South Carolina, contraband cellphones are used by inmates to coordinate criminal activity outside of the correctional facility. The impact of one contraband cellphone on Captain Robert Johnson's life, and that of his family, is a tragic example of criminals working on both sides of the correctional facility walls. However, as then-Commissioner Pai stated in 2014, "[h]igh-level rhetoric and appealing slogans are nice, but an administrative agency's rulemaking process demands more."³²

Throughout this proceeding, the Wright Petitioners have met this demand for "more" by addressing the woefully inadequate cost-benefit analysis contained in the

³¹ See Remarks of Commissioner O'Reilly, *TPRC44: Research Conference on Communications, Information and Internet Policy*, Sept. 30, 2016: (https://apps.fcc.gov/edocs_public/attachmatch/DOC-341544A1.pdf)

³² Concurring Statement of Commissioner Pai, *Closed Captioning of Internet Protocol-Delivered Video Programming*, Second Order on Reconsideration, 29 FCC Rcd 8687, 8765 (2014).

Report and Order, and suggesting a reasonable accommodation to ensure that if Managed Access Systems were implemented, the cost would not fall on inmates and their families. On the other hand, the proponents of the proposed rules "did not...provide any detailed or concrete costs estimates."

Rather than conduct a reasoned analysis of the only "detailed" and "concrete cost estimates" submitted in the record, though, the Commission perpetuated this failure by choosing to "rely to some extent here on [its] general understanding and prediction of likely costs." The end result was that the Commission considered the impact of the new rules on "wireless providers and CIS operators" but arbitrarily and capriciously ignored the impact of the new rules on the parties that will be actually footing the bill for these costly, ineffective systems.

In light of the Commission's drive to have its decisions "informed by sound economic principles and solid data," the Wright Petitioners respectfully request that the Commission reconsider the adoption of the *Report and Order*, conduct a full-scale cost-benefit analysis, and reaffirm its support for a simple certification that CIS providers will not pass the cost of their proposed systems on to inmates and their families. This simple certification will address the concerns raised by the only "detailed" and "concrete cost estimates" in the record of General Docket 13-111, and best serve the public interest.

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G. Cost-Benefit Analysis

⁷⁸⁷⁵. In the *Notice*, the Commission acknowledged that spectrum leasing, STA, and other rules and processes related to the deployment of MASs could be time-consuming and cumbersome and sought specific comment on the costs and benefits of proposals to streamline those rules and procedures.²⁵⁴²⁴⁷ After careful consideration of the record, we believe that the rules we adopt in this Order will significantly reduce the time and resources needed to complete spectrum leases for CISs and speed the adoption and deployment of such systems in correctional facilities. More rapid adoption of CIS systems will increase public safety by reducing criminal activity coordinated in or through correctional facilities, while allowing such facilities to reduce the amount of staff time and resources dedicated to detecting and confiscating contraband cell phones.

⁷⁹⁷⁶. The rules we adopt in this Order are designed to minimize costs while maximizing public benefits. The benefits of these rules are discussed at length throughout the Order. And for some of the rule changes, we anticipate that there will be little or no costs imposed on the public, given that the revisions are to make compliance easier. For instance, expediting processing of qualifying leases for CISs, exempting CIS providers seeking an STA from the requirement that they file the application ~~ten~~¹⁰ days prior to operation, and waiving our rules to eliminate certain CIS operator filings regarding regulatory status changes will all significantly reduce regulatory compliance costs while speeding up CIS deployment. To the extent that these revisions might impose costs on taxpayers, we have minimized those costs as well. For instance, rather than making costly changes to Form 601, Form 608, or ULS, we instead will implement a manual processing system that can be in place more quickly, and with minimal impact on Commission resources. ~~We have also considered the burdens of our proposals in, for instance, rejecting a requirement for CIS operators to notify houses and businesses in the areas surrounding correctional facilities where CISs are deployed, because we have found insufficient justification for imposing a potentially costly notification requirement.~~

⁸⁰⁷⁷. At the same time, however, we acknowledge that some of the rule changes we make here will impose some costs on wireless providers and CIS operators. In particular, the requirements regarding 911 calls, community notification, as well as negotiation in good faith, ~~and notification to CIS providers of network changes~~ will require some effort and resources. In the *Notice*, the Commission specifically asked for comment on the costs and benefits of all of the proposals presented, requesting that commenters provide specific data, such as actual or estimated dollar figures, for each proposal.²⁵⁵²⁴⁸ Commenters did not, however, provide any detailed or concrete cost estimates, and therefore we must rely to some extent here on our general understanding and prediction of likely costs in making this cost-benefit assessment.²⁴⁹ We anticipate that adopting a rule to require that CIS providers operating as PMRS route 911 calls to PSAPs, unless PSAPs do not wish to receive 911 calls from a specific correctional facility, is likely to impose minimal costs. It is our understanding that pass through capability already generally exists in CISs, and we note that such requirements are already reflected in many leasing arrangements. We therefore believe that the public benefits of this requirement will exceed compliance costs. Requiring CMRS licensees to negotiate in good faith with entities seeking to deploy a CIS will impose only the cost of conducting negotiations, and given that a carrier's leasing terms may well become standardized fairly quickly, this burden seems minimal. In any event, because the lack of cooperation of even one wireless provider can seriously degrade the effectiveness of a CIS, we conclude that the small cost of negotiating will be easily outweighed by the public benefit of ensuring that CISs can be put into place. ~~Similarly~~^{Finally}, we ~~conclude~~^{find} that the burden of requiring that CMRS licensees provide notice to the CIS operator of basic network changes strikes a reasonable balance between minimizing costs for carriers and reducing the likelihood of exploitable spectrum gaps in deployed CISs. community notification of the implementation of certain CISs will be minimized by permitting the flexibility to tailor the notification to the potentially impacted community.

²⁴⁷ ~~Id.~~²³⁹ AICC Comments at ~~2~~⁶-8.

²⁴⁸ ~~See MSS~~²⁴⁰ ShawnTech Comments at ~~24~~³¹, ~~31~~³.

²⁴⁹²⁴¹ *Id.* at ~~26~~³-4.

²⁴² CellBlox Comments at 2.

²⁴³ Boeing Reply at 9.

²⁵⁰²⁴⁴ *Id.* ~~at 31~~.

²⁵¹²⁴⁵ See Appendix A; see also 47 CFR §§ 1.9020, 1.9030, and 1.9035.

²⁵²²⁴⁶ See, e.g., MSS AT&T Comments at 3, n.3; Tecore Comments at 26; NENA Comments at 1.

²⁵³ ~~See infra para. 122.~~

²⁵⁴²⁴⁷ See *Notice*, 28 FCC Rcd at 6617, para. 24.

²⁵⁵²⁴⁸ See *id.* at 6617, paras. 24, 25; 6621, para. 36; 6622, para. 39; 6623, para. 41; 6624, para. 44; 6624-25, para. 45; 6625, para. 46; 6627, para. 51; 6629, para. 55; 6630, paras. 56, 59; 6632, para. 64; 6633, para. 68; 6634, para. 70; 6636, para. 77.

²⁴⁹ The Wright Petitioners make note of the limited comments on the costs and benefits of MAS implementation and express concern that the costs will be passed on to inmates and their families through increased rates and fees in states where Inmate Calling Services rates and fees are not capped. See Letter from Lee G. Petro, Counsel to the Wright Petitioners, to Marlene H. Dortch, Secretary, FCC (Mar. 10, 2017).